

**MINUTES**  
**REGULAR MEETING OF THE SANDPOINT CITY COUNCIL**  
**June 5, 2019**

**OPENING** Mayor Rognstad called the regular meeting of the City Council to order at 5:30 p.m. on Wednesday, June 5, 2019, in the Council chambers at City Hall, 1123 Lake Street.

**ROLL CALL** Council members Ruehle, Aitken, Aispuro, Darling, Williamson and Eddy were present.

**PLEDGE OF ALLEGIANCE** Mayor Rognstad led the Council and the public in the pledge of allegiance to the flag.

**PUBLIC FORUM**

John Ford, who is not a resident of the City, spoke in support of Steve and Maureen Tillberg and their rezone request. As a developer, it is his opinion that the process is devaluing the Tillbergs property, and the property is now damaged, with the potential for future litigation. If he were interested in purchasing this property, he would require a deep discount; several hundred dollars, at least. He recommends that the Tillbergs sue the City.

Jane Fritz, who is not a resident of the City, recommends, as an alternative to the adopted Goose Management Plan, awaywithgeese.com or habitat plantings of peppermint, as the City of Coeur d'Alene has done successfully, stating that deterrents should always be tried before lethal means of taking a protected species. She stated that the former wildlife services coordinator indicated that these measures were plausible, effective alternatives. The Migratory Bird Act, passed by Congress 100 years ago, requires careful consideration. The City's Depredation Permit Application, pursuant to CFR 21.41, is woefully inadequate in some of its answers, including items 4, 5, and 6. She did not feel that she received the records she sought with her recent public records request, particularly the lack of answers to permit questions 14-21 and, in her opinion, legitimate complaints regarding geese at City Beach. She suspects APHIS will advise the City accordingly, but she does not feel this is an excuse for the broad, vague answers she feels were provided by the Parks and Recreation Director. She was surprised to learn that 500 geese and 100 eggs are included as part of the City's permit and that the capture of 200 geese this summer is just the beginning of what she referred to as a draconian and inhumane plan of action. She asks the City to delay plans and seek a multifaceted approach to our geese population that doesn't end in their destruction and requests that this topic be added to a future meeting agenda for further input and review.

Dallas Cox, a City resident and proprietor of the Best Western Edgewater, stated that the geese have been the most common complaint from the 9,000+ guests that they check in to their hotel. He added that it is his understanding that the adopted Goose Management Plan seeks to relocate the geese, not exterminate them. **Mayor Rognstad** confirmed that the Plan does seek to relocate the geese.

Annie Welle, a resident of the City, stated that she has lived in the area for 30 years and believes the attempt to remove the geese from City Beach is a waste of time and resources and will be ineffective and that disrupting the wildlife in this manner is inhumane.

Amelia Boyd, a resident of the City and the Parks and Recreation Commission Chair, reported that one goose can consume up to four pounds of grass per day and can create up to three pounds of fecal matter. Geese pose a threat to human health and safety, with their feces carrying giardia, salmonella, and e-coli. Tax dollars are not designed to provide a goose sanctuary; these funds are for the citizens of Sandpoint and the public. There are 111 miles of shoreline along the lake, and the geese congregate at City Beach because there are no predators there, and they have an abundance of City-maintained grass to feed on. According to the Cornell Lab of Ornithology, "Where warranted, because of health or environmental concerns, we support humane efforts to reduce the overpopulation of resident Canada geese. Because this problem is so widespread, often the only effective option is to use humane lethal methods, such as suppressing reproduction or removing individuals." She read some comments from the Trip Advisor

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website. August 2017: A gentleman from Colorado wrote, "The geese have ruined the Beach. We went down to the water, and there was not a place to sit that didn't have goose poop. It is a result of Canadian geese having a heyday at the Beach, but it has ruined the Beach for me." A user from Boise wrote, "City Beach is unusable. City Beach would be exceptional without the goose poop. We went to Green Bay Beach instead. City Beach was unusable for us because of the geese." July 2018: A user from Sandpoint wrote, "Nasty. The City needs to figure this out. GOOSE POOP EVERYWHERE." The Commission spent countless meetings discussing options to address the overpopulation of the geese at City Beach. Over the years, thousands of taxpayer dollars have been spent on special rakes, vacuums, dogs for hire, and fake coyotes in an attempt to deal with the proliferation of goose poop. The alternative methods have been well documented over the years by the media. It was not until after these failed methods were exhausted and hours of research and meetings, careful consideration by the Commission and a workshop with City Council did the Commission finally make this recommendation and plan of action. To say that they did not make an informed decision or were rash or hasty in their recommendation is categorically false. The Commission's priority is the City of Sandpoint, as outlined in their Mission Statement, and the adopted Plan compliments the community's health and safety by enhancing quality of life.

Steve Tillberg, a resident of the City, stated that, since the Mayor has adamantly insisted that the only remedy for reconsideration of their approved zone change that he vetoed is to submit a written request for another public hearing. He stated that they are hereby submitting a request for a public hearing on this matter to be scheduled for Wednesday, July 17<sup>th</sup>. (He distributed copies of the written request to Council at the dais.)

Maureen Tillberg, a resident of the City, stated that they believe they have been treated unfairly and illegally by the City as pertains to their rezone request. As a consequence, last week, they attended the Capital for a Day event in Bonners Ferry. During the audience participation portion of the event, she asked Governor Little, "What is your position regarding elected officials in Idaho following the rule of the law?" Mrs. Tillberg stated that the Governor "very robustly" answered the question and replied, "There is no place in public service for any official who does not follow the rule of law. As Governor, I expect every State official to serve their constituents with integrity and with their constituents' best interests in mind. Nobody in the State should use their office or position as a trusted elected official to advance their own interests or personal gain for political purposes." She stated that she does not believe this practice has been followed in their case. From her observation of discussions held during the Capital for a Day Event, there are problems in Bonner County and the City of Sandpoint with lack of transparency and officials upholding the rule of law. For County residents, there is a remedy through the Idaho Attorney General's Office for investigation and prosecution of officials who are violating and/or abusing their position. The AG's reach does not extend to the city level. As a result, in the coming weeks and months, a coalition of City residents will be focusing efforts to expose those in public office who are abusing their position. There is no room in public service in our democracy, even at the city level, for back-channeling the good old boys' network, lack of transparency, making up rules as you go along, or denying any resident their due process, whether that official is elected, appointed, or hired. As far as she knows, this city still operates under the democratic form of government, and she would sincerely hope that Council members buy into that belief. No one is above the law, and she wanted to pass that message along from the Governor.

Chris Chambers, a resident of the City, expressed his support for the City's efforts to reduce the goose population at City Beach. He has been involved with the Seasons development since 2002, and, as a developer and personally, as a member of the community, he has spent a significant amount of money supporting parks and rec by purchasing equipment to keep the Beach a safe place for people, as there is e-coli bacteria deposited around the park and on the sand. Regardless of the solutions tried, the geese just keep returning. He relayed that, recently, they were launching the boats used to teach sailing classes, and the 300-series dock was, for the most part, inaccessible due to the goose manure. He is in support of the relocation project. He believes it is humane and will be a benefit for citizens.

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**Mayor Rognstad** announced that the City received several written messages from the public today regarding the City's adopted Goose Management Plan, and those messages have been forwarded to City Council by email. One of those commenting specifically requested that her message be read into the record. It reads as follows: "My name is Heather Lewis. I live in Sandpoint, and I am also a business owner. I am very concerned about things I am seeing online about the Council's decision about the geese possibly being reversed. I am the mother of a young boy who is seven. One of my family's favorite activities in the summer is going to City Beach. I have serious concerns about the water quality at City Beach due to rising E-coli levels in the water. The place where the geese seem to hang out the most by the Best Western is also the place where families of young children tend to play. This is the shallowest part of the area and a great place for kids. Children are some of the most susceptible to E-coli infection, and it can be deadly to everyone, but especially our children. Goose feces also can carry Listeria, which can cause a pregnant woman to lose her unborn child. I would hate for the City to wait until we have some unspeakable tragedy for them to act. We are also patrons of the Snack Shack. In the summer, the floor of the Snack Shack is covered in goose feces. I know these people work endlessly to keep that floor clean, but it is impossible. They cannot help all the people tracking in goose feces from walking across the grass. We love getting ice cream there, but this clearly presents a food safety issue for this business, as well. In conclusion, I implore the City Council to follow through with its decision to remove the geese at City Beach before we have a public health crisis."

**ANNOUNCEMENTS**

City Administrator Jennifer Stapleton announced that the new art piece at the Schweitzer Cutoff roundabout will be installed this Saturday, resulting in traffic impacts from 7:00 a.m. to noon. Landscaping will be installed at a later date, will not include grass or other plants that would be welcoming to wildlife, and will require minimal maintenance.

Ms. Stapleton also announced that Parks and Recreation Master Plan surveys will be mailed to a random sampling of City residents next week. Everyone is encouraged to participate. This first survey will be mailed, and recipients can complete and return in a postage-paid envelope or use a code to complete online. In a couple weeks, the survey will be open to everyone in the City, as well as those in surrounding communities and visitors who use the City's parks and recreation programs. There will be media announcements. All household members can complete the survey individually online. The City would like to hear from the youth of the community. The survey will be open for several weeks.

Parks and Recreation Director Kim Woodruff provided an update on the Goose Management Plan, reporting that the count of resident geese at City Beach today was 150. Wildlife Services, U.S. Fish and Wildlife, and Idaho Fish and Game are all partnering with the City to find solutions to this problem. A supervisory wildlife biologist with Wildlife Services will run point and is experienced in conducting roundups in southern Idaho. All necessary permits are issued, and all agencies have been notified that capture will take place the week of June 23. The team will consist of 5 – 6 Wildlife Services employees, Idaho Fish and Game, and City staff and will meet ahead of time in order to coordinate the capture plan and efforts. Resources will consist of fencing, to corral, watercraft, if needed, that will be provided by Wildlife Services, and a trailer to transport, also provided by Wildlife Services. The geese will be captured, banded, and relocated to the Chain Lakes as a family. They will not be separated, as originally considered. Wildlife Services has not, in the past, separated the goslings from their parents and have still had success. Young geese are more likely to nest in the area where they were raised. Relocation will provide relief during times of high use at City Beach. If some geese do return, hopefully it will be just a small percentage. Over the 7 – 8 years of relocating geese in other areas of the state, there has been a 10% banded geese return, resulting in a 90% success rate. Total numbers are expected to decline each year, but management will be ongoing. Other areas of the State have seen success and have been able to reclaim their recreational facilities. It is not the City's intent to eliminate all geese from City Beach, but to coexist with reduced numbers.



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**Councilwoman Ruehle** announced that Pend Oreille Pedalers had a very successful trail work day, caring for the trails in portions of the watershed, replacing a couple of bridges, replenishing dirt in some of the turns, with over 50 people participating, which is a significant increase from the usual 10 – 12 who have participated in the past. Those present also wanted to thank the City for allowing them to access the watershed property and do this work, and they enjoyed the after-work party. **Mayor Rognstad** agreed that it was a successful event, stating that there were all ages participating. He is grateful for the Pend Oreille Pedalers work in maintaining the trail system and building the Watershed Crest Trail.

**Mayor Rognstad** proclaimed June 7, 2019, as National Gun Violence Awareness Day in Sandpoint, reading aloud a proclamation that was presented to Sue Morgan DePew from the North Idaho Chapter of Moms Demand Action for Gun Sense in America.

**Mayor Rognstad** thanked Molly McCahon for her willingness to serve on the Tree Committee and Forest Schuck for volunteering to serve on the Planning and Zoning Commission. He reported that he and Council received two email messages that were critical of the proposition of a realtor serving on the P&Z Commission. However, historically, the City has always had a realtor represented on the Commission. Mr. Schuck is replacing an outgoing Commissioner who was also a realtor. With more effective outreach, the City had an especially strong pool of candidates for the available seat on the Commission. After interviewing several candidates, the Mayor believed that Mr. Schuck stood out, due to his 20+ years of Sandpoint residency, his understanding of the issues, and his service on the Sandpoint Airport Advisory Committee, which will be crucial as the City updates its Comprehensive Plan and includes a focus on the Airport area, as now required by Idaho law. Mr. Schuck also serves on the Bonner County Waterways Board and is active in the community. The Mayor urged Council to confirm these appointments.

**CONSENT CALENDAR**

- A. MEETING MINUTES (*approval of City Council minutes; acknowledgment of all others*)
  - 1. City Council, May 15, 2019 (Regular Meeting)
  - 2. Arts Commission, April 9, 2019
  - 3. Historic Preservation Commission, April 16 and May 7, 2019
  - 4. Tree Committee, March 18 and April 15, 2019
- B. BILLS in the amount of \$393,800.34 for regular payables
- C. CONFIRMATION OF APPOINTMENTS
  - 1. Forrest Schuck, Planning and Zoning Commission, June 5, 2019 - June 30, 2022
  - 2. Molly McCahon, Tree Committee, June 5, 2019 – June 30, 2022
- D. RESOLUTIONS
  - 1. **Resolution No. 19-29** Surplus Property Declaration

**Councilwoman Williamson** moved that items A-1 through D-1 be approved. **Councilman Darling** seconded the motion.

A roll call vote resulted as follows:

Councilwoman Ruehle	Yes
Councilman Aitken	Yes
Councilman Aispuro	Yes
Councilman Darling	Yes
Councilwoman Williamson	Yes
Councilman Eddy	Yes

**The motion passed by a unanimous vote of Council.**

**OLD BUSINESS** – None.



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**NEW BUSINESS**

**E. PUBLIC HEARING – REZONE REQUEST**

**Mayor Rognstad** announced that the purpose of this public hearing will be to take public comment on a request to change the zoning of a 2-acre parcel on Woodland Drive between Samuelson Avenue and North Boyer Road from Industrial General to Mixed Use Residential (MUR). The Planning & Zoning Commission has recommended approval of this proposal.

Planning and Community Development Director Aaron Qualls reported that, following a public hearing on May 7, 2019, the Planning and Zoning Commission recommended approval of this request. Following this evening's public hearing, Council can grant the request, grant with conditions, or deny. The subject parcel is just north of Woodland Drive, currently zoned Industrial General, the City's most intense industrial zone, allowing for light to medium manufacturing and associated industrial activities. This parcel is currently surrounded by MUR-zoned parcels. A substantial portion of the parcel is in the City's Airport Overlay Zone, which primarily governs height but, in certain situations, can also limit uses within certain industrial zones, such as caretaker units, which are not allowed in industrial zones situated within the Overlay Zone. The Sandpoint Comprehensive Plan future land use map designates this parcel as Context Area (CA) 3-B, which, essentially, is multi-family with the additional capability of small commercial activities. The current zone that would be most compatible is mixed-use residential, for which the applicant has applied.

The parcel is approximately two (2) acres in size. Incorporated within the staff report are significant data regarding the Airport, including growth projections and land use compatibility according to the Airport Master Plan. The "day night average sound level" (DNL) of 65 decibels (dB) is considered a noise-impacted area, and this noise is, generally, contained within the Airport. The staff report contains crash statistics for airports using data from across the country. Also included are references to the Idaho Transportation Department's (ITD) Division of Aeronautics Land Use Guidelines for Airports (Guidelines), which includes a table of land uses that are compatible around airports. There are several zones that are recommended for consideration by local jurisdictions in order to protect the health and safety of neighboring residents and businesses, as well as protecting the future viability of the Airport. A map is included, showing zones that have not been adopted in Sandpoint, but this information may help to inform decisions as to what may be compatible uses around the Airport, which is a Comp Plan goal. The table of compatible uses in the Guidelines does not include residential as a compatible use within the lateral safety zone or within a critical zone.

The southeast corner of the subject parcel, a sliver of approximately 4,000 square feet, does encroach into the area that would be considered the lateral safety zone, where residential, schools, parks, playgrounds and certain other uses are not recommended. It should be noted that these types of recommended zones are not mandated. With the exception of the Runway Protection Zone, local planning and zoning decisions fall under the purview of the local jurisdiction. This parcel is not near the Runway Protection Zone.

Mr. Qualls responded to **Councilwoman Williamson** that the hashed area on the map represents the Airport Overlay Zone, where there are height restrictions. These height restrictions would not be an issue for the MUR zone. Priest Lake and the City of Pocatello have, at least in part, adopted the zones recommended in the Guidelines. Outside of the State of Idaho, Felts Field's air space, for instance, encroaches into both the City of Spokane and the City of Spokane Valley jurisdictions, and they both handle it a little differently. The guidelines adopted there, from Washington State Department of Transportation (WSDOT), are similar to our ITD Guidelines. He has also been researching larger airports, such as LAX, and what types zoning are allowed near these airports. He notes that many airports are not sited near existing development; they are, typically, outside of town.

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Marty Taylor, Certified Land Use Planner with James A. Sewell and Associates, representing the applicant, stated that, generally, this project is what is referred to as a "down zone", shifting from an effectively heavy industrial zone to residential, with that light commercial component opportunity. This is also what is often referred to as a "consistency rezone", with the property surrounded to the north, east, and west by existing MUR zoning. This property was rezoned around 2002 to, speculatively, accommodate industrial type activities. The property has been vacant ever since. The applicant is currently under contract to purchase the property, subject to obtaining the same type of zoning that lies to the north, to the east, and to the west of this parcel. The overall plan is for a housing project.

As staff noted and as confirmed by the Comprehensive Plan land use classification map, the property lies within CA-3B. The current zoning most consistent with that land use classification is MUR. The surrounding parcels that are already zoned MUR are also in the same CA-3B classification. Accordingly, the rezone is consistent with that land use classification. As staff mentioned and as Council is aware, the Airport Overlay Zone regulates height. The industrial zoning currently assigned to this property allows for a 45-foot height limit. The proposed MUR zoning allows for only a 44-foot height limit, making it more restrictive than the current zone.

There have been no adverse public comments in response to this project. The Planning and Zoning Commission concluded that the rezone constituted a desirable transition from industrial to the south and to single-family residential to the north and, accordingly, unanimously recommended approval of the rezone.

As staff had mentioned, and as Mr. Taylor concurs, this property is not within a runway protection zone. Lastly, it is well known that an application is subject to the standards in effect at the time the application is filed. Land-use determinations are not based on future studies or codes that are not in effect. This project is governed by the City's codes in place at the time the application was filed. This project is not subject to ITD standards that have not otherwise been adopted by the City; it is subject to the City's adopted Comprehensive Plan and the Airport Overlay Zone and is consistent with both.

His client respectfully requests that Council affirm the Commission's unanimous recommendation for approval so that he can move forward with the project.

**Mayor Rognstad** stated that the public hearing would be conducted in compliance with the following rules of procedure: Before persons testify at public hearings, they are to fill out the sign-up sheet available at the front of Council chambers and hand to staff.

If you desire, you may note your objection, support or comment on the form provided. If you wish to comment during the public hearing, please come to the podium and state your name and whether you reside within the City limits. Please limit your comments to no more than 3 minutes. Testimony shall directly address the subject at hand and shall not be personally derogatory toward any individual, organization or business. Members of the Council may ask questions of persons who testify. If they do so, it will be only for the purpose of clarifying information.

Once the public hearing is closed, there will be no further opportunity for public input on the proposal. The Council will then discuss amongst themselves the testimony they have heard and what, if anything, they may propose as a result of the hearing. For those testifying, you should clearly state your name and whether you reside within City limits. You are not required to state your address.

**Mayor Rognstad** opened the public hearing to accept comments, asking those in favor to testify first. Hearing none, he asked those neutral on the issue to step forward to testify. Hearing none, lastly, he asked those opposed to come forward.

David Schuck, Airport Manager for Bonner County, including both the Sandpoint and Priest River airports, stated that he has been the Bonner County Airport Manager for the

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past ten years. His duties include daily operations, maintenance, and ensuring regulatory compliance, including all aspects of safety in and around the Sandpoint Airport. He coordinates with federal, state and local agencies. He assisted in the development of the 2015 Airport Master Plan. The Master Plan is updated approximately every 20 years, per the FAA. The Master Plan basically anticipates everything that may happen at the Airport over the next 20 years and provides guidance on how to deal with those issues and the funding process for doing so.

In his time over the past ten years with the airports, he has been elected to two terms as president of the Idaho Airport Management Association. He is also the accident response coordinator for a local aircraft manufacturing company. In that role, he works with the National Transportation Safety Board, the FAA, and the General Aviation Manufacturers Association to understand, investigate, and mitigate general aviation accidents. General aviation is anything that is non-military and non-airlines, so general aviation is the type of aviation that occurs in Bonner County.

His comments in opposition to this request are not geared toward protecting the Airport from the community it serves but protecting the community from the negative impacts of the Airport. Airports are industrial zones. There is noise, and there are fumes and hazards all day and all night. The airport operates 24/7. If we can mitigate the issues around the Airport, with correct zoning, the airport will be fine. It's the challenges it presents to the local community that need to be addressed. 83% of airplane accidents happen around airports. In his time, there have been two accidents at the Sandpoint Airport. Fortunately, both were primarily contained inside the Airport property. One of the accidents did break through the fence and was just off Boyer Avenue at the northeast corner of the Airport. But not all accidents are going to stay within the Airport property, and that is one of the concerns. Staff showed the chart of accidents around airports. One thing to keep in mind regarding that chart is that it depicts one runway as landing and one runway as taking off. Since we land and take off both ways on our runway, you would basically need to double that chart in order to show an accurate indication of what the accident density is around airports. This airport is incredibly constrained. It's 500 feet wide alongside Boyer, and actually anywhere north of the general aviation ramp. It should be approximately 2,000 feet wide. The Airport hasn't moved; it was built in the 40s. The City has grown up around it.

If Council is leaning toward approving the request, consider the answers to these questions: Why ignore established guidelines developed exclusively to protect the community and our quality of life from the Airport? Why jeopardize millions of dollars in funding that the community desperately needs? Is the lack of MUR the reason we don't have enough affordable housing? There are 20+ acres of MUR surrounding this property that have been lying fallow for years. Is that really the requirement we use as an indicator that we do not have enough inventory? Why do we put our most affordable housing in our least desirable areas? This area is surrounded by industrial and commercial uses; it is not the right place for affordable housing.

Mr. Taylor stated that only a portion of the subject property is encumbered by the Airport Overlay Zone. This zone, while it does not necessarily regulate activity, does include varying height restrictions. It also prohibits uses that create hazards to navigation, such as electrical interference, glare, etc., that might impair visibility; for instance, in the industrial district, if some type of emission was produced. These issues are not just limited to residential type activities. Any activity within the Airport Overlay Zone, regardless of the reason for review of zoning, should not create hazard to navigation. This property is surrounded on three sides by MUR. There does not appear to be a contradiction with the Comprehensive Plan or the Airport Overlay Zone in order to achieve the same zoning on this piece as surrounds the property on three sides. The MUR zone was not created to conflict with anything adjacent to the Airport. That is the reason for MUR zoning within the Airport Overlay Zone. There does not appear to be a lack of consistency with this request. He is unsure of the propriety of the Airport commenting on where Sandpoint should situate affordable housing or what is considered compatible use. He suggests placing housing in a higher density residential district so that it becomes more affordable. As he has testified before, affordable housing is achieved either through density or subsidy. Building "North



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Shore” style homes on quarter-acre lots does not equate to affordable housing. He believes this request is consistent with the current Comprehensive Plan and the rules as they exist today. Again, he and his client would urge Council to affirm the Planning and Zoning Commission's unanimous recommendation. With a 45-minute deliberation by the Commission when this request came before them, they did consider it exclusively. Also keep in mind that there is MUR zoning to the north of this property, as well.

**Mayor Rognstad** closed the public hearing.

Mr. Qualls offered one minor point of clarification, stating that the IG Zone does not allow heavy industrial use. Heavy industrial zoning would allow for a use such as a smelter, for instance, and that type of heavy industrial use is not allowed in city limits.

**Mayor Rognstad** asked City Council to disclose any ex parte contact they may have had in reference to this request or any conflict of interest. No such disclosures were made.

Mr. Qualls clarified that the lateral safety zone in which 4,000 square feet of the subject property lies is not an adopted zone but is only recommended.

**Councilwoman Ruehle moved** that the Sandpoint City Council, after consideration of the criteria and relevant standards of Idaho Code and Sandpoint City Code, approve the request by Eric Cookman for a zone change from Industrial General (IG) to Mixed use Residential (MUR) for one parcel totaling 2 acres, which is legally described as: 10-57N-2W Tax 16, Less West 290.

The reasons for this decision are:

1. Particular consideration has been given to the effects of this proposed zone change upon the delivery of services by any political subdivision providing public services within the planning jurisdiction.
2. Staff has followed the notice procedures applicable to zone changes contained in Idaho Code Section 67-6511 and Sandpoint City Code Title 9, Chapter 9.
3. The proposed Mixed Use Residential zoning designation is consistent with the existing land use patterns and is in accordance with the goals and policies of the Sandpoint Comprehensive Plan.”

**Councilman Aitken seconded the motion.**

Mr. Qualls explained to **Councilwoman Williamson** that Council has the option of placing conditions on approval of the request, which could, for instance, state that specific uses are not allowed within 1,000 feet of the runway centerline. The Sandpoint Airport is an “instrument approach” airport, and ITD Guidelines recommend avoiding certain uses near an instrument approach airport, such as residential, schools, playgrounds, parks, libraries, and churches. Deed restrictions are not advised. City Attorney Will Herrington added that Council may be venturing into uncharted territory, but this would not be an unreasonable condition; it would still allow for rezoning of the entire parcel and would simply limit the uses in that triangular 4,000 square-foot section that are incompatible with proximity to the runway.

**Mayor Rognstad** read aloud staff’s suggested condition to a motion to approve the rezone request, should Council wish to include such a condition, stating that the following uses shall be restricted within 1,000 feet of the Sandpoint Airport runway centerline: all residential uses, schools, libraries, churches, parks and playgrounds.

**Councilwoman Williamson** stated that she would support such an amendment to the motion.

Mr. Qualls confirmed for **Councilman Darling** that those types of restrictions are currently not in place at the adjacent properties that are already zoned MUR.

**Councilwoman Ruehle** pointed out that the lateral safety zone has not yet been adopted and has not yet even been considered. It may be presented for consideration at some point in the future, but it does not currently exist. She does not see any point in requiring

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conditions when only a sliver of this property lies in the proposed lateral safety zone that has not even been adopted. Additionally, an adjoining parcel, already zoned MUR, actually encroaches further into the lateral safety zone than does the parcel in question. She also pointed out that the Comprehensive Plan land use map designates this parcel as CA-3B, which, in our current zoning scheme, most closely resembles the MUR zone.

**Councilman Aispuro** concurred.

**Councilwoman Williamson** agreed. Because some of these regulations are not currently in place, it would be unfair to place conditions on one property and not another in the same area. Moving forward, we need to research other airport communities and their solutions to these issues. The Airport is a much-needed resource, and it can have a significant influence on the health and safety of the surrounding community. It can be challenging to strike a balance when Sandpoint is facing a difficult housing situation. She looks forward to learning more about how other communities are addressing these issues.

**Councilwoman Williamson** confirmed for the Mayor that she did not wish to amend the motion to approve the request.

A roll call vote resulted as follows:

Councilman Aitken	Yes
Councilman Darling	Yes
Councilman Eddy	Yes
Councilwoman Ruehle	Yes
Councilman Aispuro	Yes
Councilwoman Williamson	Yes

**The motion passed by a unanimous vote of Council.**

**Mayor Rognstad** announced that next on the agenda were four requests to remove trees from City right of way. The Tree Committee has reviewed and recommended approval of all four requests.

**F. REQUEST FOR REMOVAL OF TREES IN RIGHT OF WAY AT 314 FOREST AVENUE**

**Councilman Aispuro** owns the property in question and left the meeting at 6:50 p.m.

**Councilwoman Ruehle moved** that City Council approve the request for removal of trees in the right of way at 314 Forest Avenue. **Councilman Aitken seconded the motion.**

A roll call vote resulted as follows:

Councilman Aispuro	Abstain
Councilman Darling	Yes
Councilwoman Williamson	Yes
Councilman Eddy	Yes
Councilwoman Ruehle	Yes
Councilman Aitken	Yes

**The motion passed by a unanimous vote of Council present.**

**Councilman Aispuro** returned to the meeting at 6:51 p.m.

City Urban Forester Jared Yost replied to **Councilwoman Ruehle** that there are no restrictions on the planting and maintaining of fruit trees on private property within city limits. There are restrictions on fruit trees in the City right of way.

**G. REQUEST FOR REMOVAL OF TREES IN RIGHT OF WAY AT 405 WEST LAKE STREET**

**Mayor Rognstad** read the following statement from the property owner, who was unable to attend the meeting: "My name is Paula Marcinko. My husband, John Sidwell, and I own

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two houses with an extra lot each in the 400 block of West Lake Street. I wanted to thank you for consideration of the removal of two trees in the right away at our home at 405 West Lake Street by the driveway. The reason that I am requesting removal is that they are becoming unhealthy and a hazard to our home. Years ago, the company that pruned the trees for Avista did a terrible job on the maple trees. I watched them in disbelief. I also wanted to say they are doing a better job in the last couple years. But the damage is done. The maple trees have rot in the middle; they've produced big shooters off of unstable braches, which are dropping every time the wind kicks up. We have as high as 18-foot shooters off of unstable branches. My fear is that when the winds kick up, the branches will not be stable enough to hold those shooters, and they will eventually drop on our house or on the roadway. With the removal of the two maples, I am promising that I will plant new trees in their place. Just a little about me: I am a Master Gardener, and I take very good care of both properties. We have nine trees at one property and seven trees at 405. We also have a flower garden and a vegetable garden. If there was another way to keep these trees flourishing, I would do it, but I can't with the abuse they have taken in the past. Thank you for your time and consideration."

**Councilman Aitken moved** that City Council approve the request for removal of trees in the right of way at 405 West Lake Street. **Councilwoman Ruehle seconded the motion.**

A roll call vote resulted as follows:

Councilman Aispuro	Yes
Councilman Aitken	Yes
Councilwoman Ruehle	Yes
Councilman Darling	Yes
Councilwoman Williamson	Yes
Councilman Eddy	Yes

**The motion passed by a unanimous vote of Council.**

**H. REQUEST FOR REMOVAL OF TREE IN RIGHT OF WAY AT 907 CHURCH STREET**

**Councilwoman Williamson moved** that City Council approve the request for removal of trees in the right of way at 907 Church Street. **Councilman Aispuro seconded the motion.**

A roll call vote resulted as follows:

Councilman Darling	Yes
Councilman Aispuro	Yes
Councilwoman Williamson	Yes
Councilman Eddy	Yes
Councilwoman Ruehle	Yes
Councilman Aitken	Yes

**The motion passed by a unanimous vote of Council.**

**I. REQUEST FOR REMOVAL OF TREE IN RIGHT OF WAY AT 917 CHURCH STREET**

**Councilman Aispuro moved** that City Council approve the request for removal of trees in the right of way at 917 Church Street. **Councilman Aitken seconded the motion.**

A roll call vote resulted as follows:

Councilman Eddy	Yes
Councilman Aitken	Yes
Councilman Darling	Yes
Councilwoman Williamson	Yes
Councilwoman Ruehle	Yes
Councilman Aispuro	Yes

**The motion passed by a unanimous vote of Council.**



**MINUTES**  
**REGULAR MEETING OF THE SANDPOINT CITY COUNCIL**  
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**J. UTILITY CABINET ART PROJECT**

Elle Susnis, Sandpoint Arts Commission Chairperson, observed that, in Coeur d'Alene, Spokane, and many other cities, public utility cabinets are wrapped in colorful artwork. Photos of examples of this utility cabinet artwork have been provided in the meeting packet. Artwork and/or photos can be printed on weather-resistant and graffiti-resistant vinyl and then applied to the cabinets. There are companies that specialize in this process, and it has been on the Arts Commission's radar for some time. It is a great way to support the two-dimensional artists and photographers in our community who might not otherwise have an opportunity to be involved in public art. With the recent addition of some rather large utility boxes to the downtown core and an offer from Spokane Teachers Credit Union (STCU) to partner with the City, it seems like the ideal time to revisit the idea of art wraps. The Sandpoint Arts Commission and Sandpoint Historic Preservation Commission have collaborated to determine the scope of the first phase, including both artwork and historical photographs as potential wraps. If Council is in favor of this project for the public art collection, the Commissioners will move forward and advise Council accordingly.

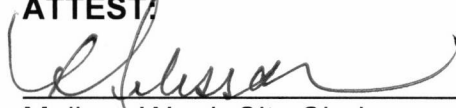
Ms. Susnis replied to **Councilman Aispuro** that any final decisions on artwork would be made by Council.

Ms. Susnis replied to **Mayor Rognstad** that the original idea, when the two Commissions met, was for some of the boxes in more historic areas of the City, when appropriate, to utilize the historical photos from the Bonner County Museum. In front of the Belwood's Building, for instance, a utility box wrapped with a historical photo would be more appropriate than bright artwork. These are the types of ideas that will be considered by the Commissions, then presented to Council as recommendations for Council approval.

**ADJOURNMENT**

**Mayor Rognstad** adjourned the regular meeting at 6:57 p.m.

  
\_\_\_\_\_  
Shelby Rognstad, Mayor

**ATTEST**  
  
\_\_\_\_\_  
Melissa Ward, City Clerk